

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on February 23, 2007 at 11 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)

Members Excused: None.

Members Absent:

Sen. David E. Wanzonried (D)

Staff Present: Agnes Palmer, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website. Due to intermittent audio problems, the last approximately 12 minutes are partially audible due to static problems.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: SB 420; SB 452; SB 195; SB 180;
SB 407

00:01:07 Chairman Lind

EXECUTIVE ACTION ON SB 420

00:01:30 **Motion/Vote:** Sen. Lind moved that SB 420 BE TABLED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 452

00:03:11 **Discussion:**

EXHIBIT (nas41a01)

EXHIBIT (nas41a02)

00:04:20 **Motion:** SEN. KAUFMANN moved that SB 452 DO PASS.

Discussion:

00:04:56 Mary Sexton, Director, Department of Natural Resources
and Conservation (DNRC)

00:06:44 Sen. Gebhardt to Mary Sexton, DNRC

00:07:31 Mary Sexton, DNRC

00:07:56 Sen. Gebhardt to Mary Sexton, DNRC

00:08:01 Mary Sexton, DNRC

00:08:56 Sen. Gebhardt to Mary Sexton, DNRC

00:09:21 Mary Sexton, DNRC

00:09:30 Sen. Gebhardt

00:09:56 **Vote:** Motion that SB045201.AJK BE ADOPTED carried 6-1
by voice vote with SEN. TASH voting no.

00:10:09 **Motion:** SEN. KAUFMANN moved that SB 452 DO PASS AS
AMENDED.

Discussion:

00:10:26 Sen. Tash

00:13:06 Sen. Lind to Mary Sexton, DNRC

00:13:24 Mary Sexton, DNRC

00:13:56 **Vote:** Motion that SB 452 DO PASS AS AMENDED carried 6-2 by voice vote. SEN. CURTISS and SEN. TASH voted no. Senator Wanzenried voted yes by proxy.

EXECUTIVE ACTION ON SB 195

00:15:09 **Motion:** SEN. LIND moved that SB 195 DO PASS.

00:16:08 **Motion:** SEN. LIND moved that SB019503.ATE BE ADOPTED.

[**EXHIBIT**](#) (nas41a03)

[**EXHIBIT**](#) (nas41a04)

[**EXHIBIT**](#) (nas41a05)

[**EXHIBIT**](#) (nas41a06)

Discussion:

00:16:15 Sen. Lind

00:18:31 Sen. Harrington to Sen. Lind

00:18:37 Sen. Lind

00:20:13 Sen. Kaufmann to Sen. Lind

00:20:32 Sen. Lind

00:21:20 **Vote:** Motion that SB019503.ATE BE ADOPTED carried unanimously by voice vote.

00:21:37 **Motion:** SEN. LIND moved that SB 195 DO PASS AS AMENDED.

Discussion:

00:22:01 Sen. Gebhardt to Sen. Lind

00:22:09 Sen. Lind

00:22:59 Sen. Harrington

00:23:09 Sen. Lind

00:24:21 **Vote:** Motion that SB 195 DO PASS AS AMENDED carried 5-4 by roll call vote. SEN. CURTISS, SEN. GEBHARDT,

**SEN. PERRY, and SEN. TASH voted no. SEN. WANZENRIED
voted aye by proxy and SEN. PERRY voted no by proxy.**

EXECUTIVE ACTION ON SB 180

00:26:02 **Motion:** SEN. HARRINGTON moved that SB 180 BE TABLED.

Discussion:

00:26:23 Sen. Lind

00:27:07 **Vote:** Motion that SB 180 BE TABLED carried unanimously
by voice vote.

EXECUTIVE ACTION ON SB 407

00:27:25 **Motion:** SEN. TASH moved that SB 407 DO PASS.

Discussion:

00:28:00 Sen. Tash

00:27:54 **Motion:** SEN. GEBHARDT moved that SB040701.AJK BE
ADOPTED.

EXHIBIT (nas41a07)

Discussion:

00:29:03 Joe Kolman, LSD

00:29:49 Sen. Tash

00:30:28 Sen. Kaufmann

00:30:46 Sen. Gebhardt

00:30:55 Sen. Kaufmann to Sen. Gebhardt

00:31:11 Sen. Gebhardt deferred to Sen. Bales

00:31:24 Bonnie Lovelace, Department of Environmental Quality
(DEQ)

00:34:08 Sen. Kaufmann to Bonnie Lovelace, DEQ

00:34:20 Bonnie Lovelace, DEQ

00:35:06 Sen. Lind to Bonnie Lovelace, DEQ

00:35:27 Bonnie Lovelace, DEQ

00:35:53 Sen. Curtiss

00:36:14 **Vote:** Motion that SB040701.AJK BE ADOPTED carried 6-1
by voice vote with SEN. KAUFMANN voting no.

00:36:35 **Motion:** SEN. TASH moved that SB 407 DO PASS AS
AMENDED.

00:36:44 **Motion:** SEN. GEBHARDT moved that SB040704.AJK BE
ADOPTED.

EXHIBIT(nas41a08)

00:37:38 Joe Kolman, LSD

Discussion:

00:37:52 Sen. Gebhardt

00:38:18 Sen. Lind

00:39:11 Sen. Gebhardt

00:39:32 Sen. Lind

00:39:35 Sen. Gebhardt

00:39:41 Sen. Lind

00:39:47 Sen. Bales

00:40:53 Sen Lind to Sen. Gebhardt

00:40:59 Sen. Gebhardt

00:41:33 Sen. Lind

00:41:39 **Vote:** Motion that SB040704.AJK BE ADOPTED carried 6-1
by voice vote with SEN. KAUFMANN voting no.

00:41:59 **Motion:** SEN. TASH moved that SB 407 DO PASS AS
AMENDED.

00:42:00 **Motion:** SEN. GEBHARDT moved that SB040705.AJK BE
ADOPTED.

EXHIBIT(nas41a09)

Discussion:

00:42:00 Sen. Lind to Joe Kolman, LSD

00:42:34 Joe Kolman, LSD

00:43:11 Sen. Tash

00:43:40 **Vote: Motion that SB040705.AJK BE ADOPTED carried 7-1 by voice vote with SEN. WANZENRIED voting no by proxy.**

00:44:05 **Motion: SEN. TASH moved that SB 407 DO PASS AS AMENDED.**

00:44:27 **Motion: SEN. LIND moved that SB040702.AJK BE ADOPTED.**

EXHIBIT(nas41a10)

Discussion:

00:45:35 Joe Kolman, LSD

00:45:54 Sen. Lind to John Tubbs, DNRC

00:46:45 John Tubbs, DNRC

00:47:41 Sen. Gebhardt to John Tubbs, DNRC

00:49:19 John Tubbs, DNRC

00:51:13 Sen. Tash

00:51:28 John Tubbs, DNRC

Discussion:

00:52:02 Sen. Tropila

00:52:28 John Tubbs, DNRC

00:54:23 Sen. Kaufmann to John Tubbs, DNRC

00:54:50 John Tubbs, DNRC

00:56:27 Sen. Kaufmann to John Tubbs, DNRC

00:57:08 John Tubbs, DNRC

00:57:29 Sen. Gebhardt to Bonnie Lovelace, DEQ
00:57:45 Bonnie Lovelace, DEQ
00:59:14 Sen. Kaufmann to Bonnie Lovelace, DEQ
00:59:26 Bonnie Lovelace, DEQ
01:00:35 Sen. Tash to Sen. Bales
01:00:48 Sen. Bales
01:01:48 Sen. Tash to Sen. Bales
01:02:08 Sen. Bales
01:02:39 Sen. Tropila to Sen. Bales
01:03:00 Sen. Bales
01:03:27 Sen. Tropila to Mr. Moore
01:03:51 Rick Moore, Northern Plains Resource Council

EXHIBIT(nas41a11)

01:04:15 **Vote:** Motion that SB040702.AJK BE ADOPTED carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. WANZENRIED voted yes by proxy. SEN. PERRY voted no by proxy.
01:06:26 **Motion:** SEN. LIND moved that SB040703.AJK BE ADOPTED.

EXHIBIT(nas41a12)

Discussion:

01:07:37 Sen. Tash to Sen. Lind
01:08:00 Sen. Lind
01:08:24 Sen. Curtiss to Sen. Lind
01:08:44 Sen. Lind to Bonnie Lovelace, DEQ
01:09:11 Bonnie Lovelace, DEQ
01:10:43 Sen. Lind to Bonnie Lovelace

01:10:57 Bonnie Lovelace

01:11:03 Sen. Lind withdrew amendment SB040703.AJK

01:11:12 **Motion/Vote:** SEN. TASH moved that SB 407 DO PASS AS AMENDED. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. PERRY voted aye by proxy. SEN. WANZENRIED voted no by proxy.

Discussion:

01:11:25 Sen. Kaufmann

01:12:10 Recording bad

01:12:11 Sen. Tash

01:12:52 Sen. Tropila

01:13:48 Recording good

01:13:54 Sen. Gebhardt

01:14:53 Sen. Curtiss

01:15:47 Sen. Lind

01:17:42 Recording bad

01:18:04 **Motion/Vote:** SEN. LIND moved that SB 407 AS AMENDED BE TABLED AND THE VOTE REVERSED. Motion carried unanimously by voice vote.

01:18:29 Sen. Lind

ADJOURNMENT

Adjournment: 12:30 P.M.

SEN. GREG LIND, Chairman

AGNES PALMER, Secretary

GL/ap

Additional Exhibits:

EXHIBIT ([nas41aad.pdf](#))